

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CALVIN MCDOWELL,

Plaintiff,

v.

RITE AID, et al.

Defendants.

MEMORANDUM AND ORDER

11 Civ. 0563 (LBS)

SAND, J.

A summons against Defendant Rite Aid was issued on February 24, 2011 and mailed to Plaintiff on February 25, 2011. The 120 day period for service under Rule 4(m) of the Federal Rules of Civil Procedure has now elapsed. Plaintiff, who is proceeding without a lawyer, has not yet provided information to the United States Marshal Service to enable service of process. Plaintiff is hereby notified that if service is not made within the next 60 days, then the lawsuit will be dismissed as to the party or parties not served. Dismissal means that the lawsuit will be over and Plaintiff will recover nothing.

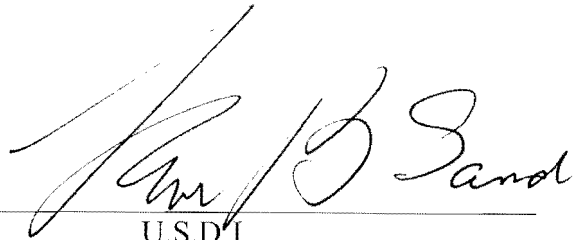
A plaintiff who is relying upon service of process by the United States Marshal has a duty to provide information sufficient to identify and locate each defendant. Further, a plaintiff who has not received confirmation from the United States Marshal that service has been made has a duty to inquire further, for example, by checking the docket sheet and taking steps to ensure that timely service is made.

The Clerk of the Court is directed to issue an amended summons and the Pro Se Office is directed to send Plaintiff a new mailing package including instructions on how to effect proper

service of the complaint. Plaintiff's 60-day extension of time for service will begin to run as of the date of the amended summons.

SO ORDERED.

Dated: October 18, 2011
New York, NY



U.S.D.J.